

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

John Rogne,

Court File No. 24-cv-2612 KMM/TNL

Plaintiff,

**DECLARATION OF DAVID M.
TANABE IN SUPPORT OF COUNSEL
FOR DEFENDANT’S MOTION TO
WITHDRAW AS COUNSEL
WITHOUT SUBSTITUTION**

vs.

Digital Forensics Corp.,

Defendant.

Pursuant to 28 U.S.C. § 1746, I, David M. Tanabe, declares the following to be true under penalty of perjury:

1. I am an attorney at the law firm of Messerli & Kramer P.A. (“Messerli”), counsel for Defendant Digital Forensics Corp. (“Digital Forensics”) in the above-captioned action. I submit this declaration in support of my firm’s motion to withdraw as counsel for Digital Forensics. The matters set forth below are based upon my personal knowledge or a review of documents in my firm’s files.

2. My firms’ representation of Digital Forensics is governed by a written retainer agreement that was signed on behalf of Digital Forensics by its In-House Counsel Jeromy Simonovic, Esq. The retainer agreement imposes certain obligations on Digital Forensics, including the obligation to timely pay my firm’s invoices, and provides that if those obligations are not met, the firm may terminate the engagement and withdraw its representation of Digital Forensics.

3. My firm is owed substantial legal fees for this matter. Despite repeated requests over the past several months, these fees have not been paid.

4. Digital Forensics has been informed that Messerli intends to withdraw its representation of Digital Forensics by motion.

5. Copies of the motion to withdraw and all accompanying filings will be served on Digital Forensics contemporaneously with this motion.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: January 31, 2025

/s David M. Tanabe
David M. Tanabe